

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EMANUEL DELACRUZ, ON BEHALF OF
HIMSELF AND ALL OTHER PERSONS
SIMILARLY SITUATED,

Plaintiff,

-against-

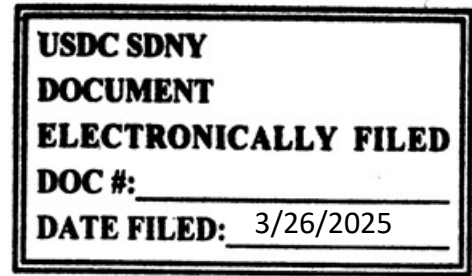
NEW YOU BARIATRIC GROUP, LLC

Defendant.

-----X
KATHARINE H. PARKER, United States Magistrate Judge:

On March 25, 2025, the parties appeared before the undersigned for a case management conference. As discussed at the conference and set forth below:

Defendant's Letter Motion for leave to file a Motion to Dismiss that is consolidated with its Motion for Summary Judgment and for an evidentiary hearing for possible sanctions is granted in part and denied in part. (See ECF No. 46) Further, Plaintiff's Letter Motion to file a Cross-Motion for Summary Judgment and to extend the briefing schedule is granted. (See ECF No. 45) Defendant's consolidated Motion to Dismiss and/or for Summary Judgment at ECF Nos. 31-34 shall be reinstated. The Motion at ECF No. 41 shall be deemed terminated insofar as the Motion at ECF No. 31 is being reinstated in its place. Plaintiff shall file his opposition and Cross-Motion for Summary Judgment in a single brief **by May 9, 2025**. Defendant shall file its opposition and reply in a single brief **by May 30, 2025**. Plaintiff shall file his reply **by June 6, 2025**.



23-CV-6405 (PAE) (KHP)

POST-CONFERENCE ORDER

Defendant shall serve Plaintiff with a notice letter pursuant to Rule 11 of the Federal Rules of Civil Procedure **by March 28, 2025**. No more than thirty days after serving the Rule 11 notice letter, Defendant shall file a letter with the Court proposing a briefing schedule for a Rule 11 motion, if appropriate.

The parties shall file a stipulation to change the caption of the case to reflect Plaintiff's legal name **by April 4, 2025**.

The Clerk of Court is respectfully directed to vacate the striking order at ECF Nos. 31-34 and reinstate those documents. The Clerk of Court is further respectfully directed to strike the documents at ECF Nos. 41-43. Finally, the Clerk of Court is also respectfully directed to terminate the motions at ECF Nos. 41, 45 and 46.

SO ORDERED.

DATED: March 26, 2025
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge